

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Shinzo YASUDA et al.)	Group Art Unit: 1633
)	
Application No.: 10/594,417)	Examiner: Scott LONG
)	
International Filing Date: March 25, 2005)	
)	Confirmation No.: 2159
371(c) Date: September 26, 2006)	
)	
For: PROCESS FOR PRODUCING 1,3-)	
PROPANEDIOL AND/OR 3-)	
HYDROXYPROPIONIC ACID)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached IDS Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Consistent with the requirement of 37 C.F.R. § 1.97(e), Applicants note that each document listed in this Information Disclosure Statement was first cited in a communication from the Japanese Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

Copies of the listed foreign and non-patent literature documents are attached.

For the cited non-English, non-patent literature documents, Applicants enclose English translations.

For the non-English published application, JP 2003-507022A, Applicants provide an English language version of a Notice of Rejection from the Japanese Patent Office in a corresponding application citing this document and setting forth the relevance thereof is enclosed. Applicants have also cited and enclosed Published International Application No. WO 01/12833 A2. JP 2003-507022A is the publication of the Japanese National Phase filing of International Application No. PCT/US00/22874, which published in English as WO 01/12833 A2.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 7, 2008

By: Jean Burke Fordis
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